

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-186296

DATE: April 20, 1976

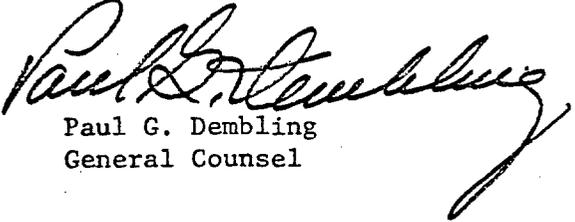
MATTER OF: Starlight Components Inc.

**DIGEST:**

GAO will not assume jurisdiction over protest regarding status of offeror as "manufacturer" under Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45. Responsibility for determining whether offeror qualifies under Act rests in first instance with contracting officer subject to review by Secretary of Labor.

Starlight Components Inc. (Starlight), the second low offeror under request for proposals (RFP) No. DAAA09-76-R-6342, issued by the United States Army Armament Command, Rock Island, Illinois, protests the award of a contract to Thomas Closure Corporation (Closure). Starlight asserts that Closure, which certified itself as a manufacturing concern, does not qualify as such under the Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45 (1970).

The responsibility of determining whether an offeror qualifies as a "manufacturer" under the Act rests in the first instance with the contracting agency and is subject to review by the Secretary of Labor and not by the General Accounting Office. Trand Advertising Company, B-182212, February 19, 1975, 75-1 CPD 101. We do not believe it is appropriate for our Office to monitor a protest on a matter not subject to our jurisdiction and, therefore, the protest will not be considered by our Office.

  
Paul G. Dembling  
General Counsel